

1 E. Carter

2 couldn't, and I told him about the phone
3 call about the county park police and Kevin
4 Lamm wound up having problems with the
5 Suffolk County Police, and he said, "You
6 know, this has to end." And that's when we
7 got together.

8 Q. So sometime in May, Mr. Fiorillo
9 and you spoke. Mr. Fiorillo said he had
10 tried to get a few jobs in Suffolk County
11 and he couldn't?

12 MR. GOODSTADT: Objection.

13 Q. Is that the sum and substance?

14 A. He said he tried to get a few
15 jobs, yes.

16 Q. Right. And what jobs did he say
17 he tried to get?

18 A. One was Southampton Town, and
19 another was a driver's job that I don't know
20 where it was.

21 Q. And this was between April 2 and
22 the date in May that you and he spoke?

23 MR. GOODSTADT: Objection.

24 A. The latter part of May, yes.

25 Q. And at that time, had you spoken

1 E. Carter

2 with Mr. Lamm about his job searches?

3 A. Kevin, yes. Kevin wound up --

4 Q. No. Just the answer was yes or
5 no?

6 A. Yes.

7 Q. When did you speak to Mr. Lamm --
8 well, in relation to when you spoke with
9 Mr. Fiorillo in late May, when did you speak
10 to Mr. Lamm concerning his job search
11 efforts?

12 A. I kept in constant touch with
13 Kevin. Kevin was the only one I had the
14 phone number for or I would see.

15 Q. Why did you keep in constant
16 touch with Kevin?

17 A. Kevin was a friend, a good
18 friend.

19 Q. So --

20 A. He was a partner when I was at
21 the beach.

22 Q. So since April 2 -- between April
23 2, 2006 and the end of May, you kept in
24 constant contact with Kevin Lamm?

25 A. Yes. Kevin works for the Town of

1 E. Carter

2 Islip also.

3 Q. Okay. How about Mr. Snyder, did
4 you keep in constant contact with him during
5 that period of time?

6 A. I work with Tom Snyder, yes.

7 Q. So you would have kept in
8 constant contact with him?

9 A. Yes.

10 Q. So you work with Snyder, you work
11 with Lamm?

12 A. Yes.

13 Q. Did you keep in constant contact
14 with Nofi?

15 A. No.

16 Q. Did you keep in constant -- well,
17 okay. That's about it then. And did the
18 five of you meet to discuss hiring the
19 Goodstadt law firm before you ever
20 communicated with Mr. Goodstadt's law firm?

21 MR. GOODSTADT: Or any other
22 law firm.

23 MR. NOVIKOFF: Or any other law
24 firm, yes. That's right.

25 A. We discussed -- I spoke to Tom

1 E. Carter

2 and Kevin personally one on one. I spoke to
3 Frank on the phone. And through, you know,
4 good -- the website and stuff, we felt
5 Mr. Goodstadt's law firm was one that could
6 take -- could help us.

7 Q. Did you ever speak with Nofi
8 prior to -- to your knowledge, how did Nofi
9 know to contact Mr. Goodstadt's law firm?

10 MR. GOODSTADT: Objection.

11 A. I could only say Frank Fiorillo
12 contacted Nofi.

13 Q. Did you ever speak to Nofi about
14 going to meet with Mr. Goodstadt's law firm?

15 A. Only the day we were going to
16 Mr. Goodstadt's law firm.

17 Q. "Standing in the community" you
18 make reference to in paragraph four. What
19 community are you referring to?

20 A. I'm sorry, paragraph four?

21 Q. Yes.

22 A. Standing in the community would
23 be my position as a father and as a park
24 ranger. I heard, you know, my reputation
25 was damaged. It was defamed.

1 E. Carter

2 Q. Well, sir, my question to you is,
3 what community are you referring to when you
4 say "standing"?

5 A. My personal community.

6 Q. And what does that mean when you
7 say "personal"?

8 A. My family. My friends. How they
9 look at me. The people walking down the
10 street.

11 Q. So is it your testimony that your
12 family looks upon you worse today than they
13 did on April 2?

14 A. They originally questioned me,
15 yes, as to when this stuff was in the paper
16 about the Gilbert thing and stuff.

17 Q. Who is "they"?

18 A. My mother.

19 Q. Your mother questioned you?

20 A. Yes.

21 Q. What did she say?

22 A. She said, "What's going on? You
23 were fired from the beach. We just saw this
24 other stuff in the paper not too long ago.
25 You said you weren't involved. What

1 E. Carter

2 happened?"

3 Q. So your -- do you think your
4 mother thinks less of you today than she did
5 on April 2?

6 MR. GOODSTADT: Objection.

7 A. I couldn't answer that.

8 Q. Is there anything she's done to
9 indicate that she thinks less of you?

10 A. No.

11 Q. Is there anything that you could
12 point to that makes you believe that your
13 standing in your mother's eyes is less today
14 than it was on April 2, 2006?

15 A. No.

16 Q. How about your wife, anything
17 that you could point to today that makes you
18 think that your standing in her eyes is less
19 today than on April 2, 2006?

20 A. Just the anguish and stuff we're
21 going through with day-to-day with like I
22 said, the blog postings and stuff. She got
23 very, very upset and annoyed when she saw my
24 name where I worked and stuff was posted on
25 there.

1 E. Carter

2 MO MR. NOVIKOFF: Motion to
3 strike.

4 Q. Is there anything that you can
5 point to that you believe shows -- well,
6 you know what, let me ask you this question,
7 in your opinion, has your standing with your
8 wife decreased since April 2, 2006?

9 MR. GOODSTADT: Objection.

10 A. A little bit, yes.

11 Q. A little bit. She thinks less of
12 you?

13 A. I believe so.

14 Q. Okay. What about your children,
15 how old are they?

16 A. My daughter's five and the boys
17 are two and a half.

18 Q. Your friends, what friends have
19 you lost outside of perhaps police officers
20 as a result of you being told, on April 2,
21 2006, that you're not working at Ocean
22 Beach?

23 A. None.

24 Q. Has any friend of yours told you
25 that they think less of you as a result of

1 E. Carter

2 you not being rehired on April 2, 2006?

3 A. No.

4 Q. Now let's go to your employment
5 with Ocean Beach for a while. You were --
6 well, beginning in 2001, you were a
7 part-time worker, correct?

8 A. Seasonal from May to September,
9 and then a part-time police officer from
10 September to May.

11 Q. Okay. So it's seasonal during
12 the summer months and then after Labor Day
13 it's part time?

14 A. Yes.

15 Q. Explain the difference.

16 A. Difference is is between May and
17 September, per Civil Service Law, you can
18 work 40 hours or more a week. I guess more
19 a week. And after September, Labor Day or
20 sometime whatever stipulation is exactly in
21 the book to May, it would be 20 hours a
22 week. Half of a full timer.

23 Q. Okay. My question to you is were
24 you a -- during the summer months, before --
25 between Memorial Day -- well, between April

1 E. Carter

2 and Labor Day, were you a full-time worker
3 or a seasonal worker?

4 MR. GOODSTADT: Objection.

5 Q. To the best of your knowledge?

6 A. Seasonal.

7 Q. Okay. And what is your
8 understanding of what "seasonal" means?

9 MR. GOODSTADT: Objection.

10 Q. To the extent you know?

11 A. Seasonal is I can work 16 hours a
12 week.

13 Q. Okay. You could work 16 hours a
14 week as a seasonal?

15 A. Well, it's 20 -- I believe it
16 states 20. Half of 40 is 20, but the way
17 the tours were, 16 hours a week.

18 Q. I didn't get that last part.

19 A. A full timer could work 40 hours
20 a week, so it would be half of what they
21 could do.

22 Q. Okay. So the most you could
23 work, to your knowledge --

24 A. Is 20 hours.

25 Q. Is 20 hours during the --

1 E. Carter

2 A. Off season.

3 Q. During the off -- no. No. I'm
4 talking that's when you were a part-time
5 worker?

6 A. Yes.

7 Q. That's after Labor Day? Yes?

8 A. Yes.

9 Q. My question, though, is between
10 April and Labor Day, what's your
11 understanding of what "seasonal" means?

12 MR. GOODSTADT: Objection.

13 A. Seasonal was you worked
14 approximately -- you could work up to 40
15 hours a week or more.

16 Q. Now you didn't have a contract
17 with Ocean Beach, did you?

18 A. No.

19 Q. And every year you had to be
20 rehired, correct, to be a seasonal worker,
21 correct?

22 MR. GOODSTADT: Objection.

23 Q. To your knowledge?

24 A. I didn't have to be rehired.

25 Q. No?

1 E. Carter

2 A. I handed a 42 -- 2042 in and gave
3 them the hours I could work, and the chief
4 or George, whoever it was, would put you on
5 the schedule.

6 Q. What's a 2042?

7 A. You have a copy of one right
8 there in front of you (indicating).

9 Q. Okay. Well, just tell me what it
10 is.

11 A. It's an internal memo.
12 Correspondence.

13 Q. So if I understand correctly,
14 before every season -- well, just so we're
15 all clear and we're all talking about the
16 same thing, what was the season, to your
17 knowledge?

18 A. Memorial Day to Labor Day,
19 roughly. April -- it was the end of April,
20 so April to Labor Day.

21 Q. Okay. So if I understand your
22 testimony correctly, what you would do,
23 since 2001, was send someone over at Ocean
24 Beach a 2042 indicating when you could work,
25 and then they would just put you on the

1 E. Carter

2 schedule?

3 A. My hours of availability is what
4 it was basically.

5 Q. Okay. So you controlled, for the
6 most part, what hours you worked during the
7 season?

8 A. The only -- I put in what tours I
9 was available for. I didn't get them all.

10 Q. Right.

11 A. I got -- it was split up among
12 the men --

13 Q. Right.

14 A. -- by the supervising officer.

15 Q. Now there were officers that
16 worked during the day, correct?

17 A. Yes.

18 Q. But you couldn't work during the
19 day because you had a full-time job,
20 correct?

21 A. Yes.

22 Q. So you would put in -- what tours
23 would you normally put in for?

24 MR. GOODSTADT: Objection.

25 A. For Ocean Beach?

1 E. Carter

2 Q. Yes.

3 A. I put in -- I was off -- whatever
4 my days off were, I would put in for either
5 a 4:00 to 12:00 -- there was a 9:00 --
6 there was about 20 different tours just to
7 make you aware of it.

8 Q. Okay.

9 A. I would put in for 4:00 at night
10 to 12:00 at night, 6:00 at night to 2:00 in
11 the morning, 8:00 at night to 4:00 in the
12 morning. There was a 9:00 at night to 5:00
13 in the morning, or a midnight to 8:00.

14 Q. Okay. So if I understand now,
15 and just tell me if I'm wrong, on your days
16 off, for your days off from your full-time
17 job, you would notify Ocean Beach, whoever
18 made the decisions, as to what tours you
19 wanted to work on, and then Ocean Beach,
20 whomever it was, would advise you as to what
21 tours you got based upon your availability?

22 A. Basically, yes.

23 MR. NOVIKOFF: Now let's look
24 at -- let's mark the following document
25 as Carter-3.

1 E. Carter

2 (Internal correspondence dated
3 December 6, 2005 was marked as
4 Carter Exhibit-3 for identification;
5 9/16/08, E.L.)

6 Q. Carter-3 appears to be a memo
7 from you to Sergeant Hesse dated December 6,
8 2005, do you see that?

9 A. Yes, sir.

10 Q. Do you recall sending this doc --
11 this internal correspondence to Sergeant
12 Hesse?

13 A. Yes.

14 Q. Okay. You CC'd Chief Paridiso,
15 do you see that?

16 A. Yes.

17 Q. Now what was your knowledge as to
18 Mr. Paridiso's status at this time?

19 MR. GOODSTADT: Objection.

20 Q. On December 6, 2005?

21 MR. GOODSTADT: Same objection.

22 A. That he was still doing the --
23 he was still overseeing -- out of respect,
24 I did it for Chief Paridiso is what I did.

25 Q. What do you mean "out of

1 E. Carter

2 respect"?

3 A. Being that -- my understanding
4 was he was still with the department.

5 Q. Well, what would make you think
6 that he wasn't, if anything, prior to
7 December 6?

8 A. He was on disability leave.

9 Q. When did you first learn he was
10 on disability leave?

11 A. That was the summer of 2005. But
12 he was still doing the schedule. And at
13 that point, I wasn't sure who was doing the
14 schedule.

15 Q. You just said that "but he was
16 still doing the schedule, and at that point,
17 I wasn't sure who was doing the schedule"?

18 A. Yes.

19 Q. That seems to be an
20 inconsistency, sir.

21 MR. GOODSTADT: Objection.

22 Q. What did you mean? What was your
23 knowledge as to who was doing the schedule
24 on December 6, 2005?

25 A. I -- I'm not sure, to be honest

1 E. Carter

2 with you.

3 Q. Okay. What makes you think
4 Mr. Paridiso was still doing the schedule?

5 MR. GOODSTADT: Objection.

6 A. Because guys said he would come
7 in and hang it up prior to that. But I
8 never -- being it was in the winter, I
9 didn't see many guys, so I don't know.

10 Q. When did guys tell you Paridiso
11 was still coming in to do the schedule?

12 A. The -- September of '05.

13 Q. So you weren't CCing Mr. Paridiso
14 out of respect, you were CCing Mr. Paridiso
15 because you were not aware as to who was
16 doing the schedule, correct?

17 MR. GOODSTADT: Objection.

18 A. Yes.

19 Q. Okay. And this memo is you
20 telling Sergeant Hesse and Mr. Paridiso that
21 you were unavailable for the three tour on
22 January 15, 2006, do you see that?

23 A. Yes.

24 Q. What's the three tour?

25 A. That would be the midnight tour.

1 E. Carter

2 Q. Okay. And December 6, 2005 --
3 I'm sorry, January 15, 2006 was not part of
4 the season as you've defined that, is it?

5 A. Correct.

6 Q. And tell me if I'm wrong, but you
7 would advise Ocean Beach as to when you were
8 available off season and they would
9 determine whether or not they would schedule
10 you for that particular tour?

11 MR. GOODSTADT: Objection.

12 A. Approximately a year prior, yes.

13 Q. A year prior?

14 A. Back in April of 2005.

15 Q. I don't understand your answer.

16 A. In other words, April 2005 I put
17 in this -- an internal correspondence with
18 the tours I was available for.

19 Q. Right.

20 A. Not knowing that something would
21 come up January 15. So I notified them a
22 month prior, more than a month prior that
23 I'd be unavailable for that tour. To please
24 replace me.

25 Q. So when you said you put in that

1 E. Carter

2 2014, am I right?

3 A. 2042.

4 Q. The 2042 prior to April of a
5 given season, you were advising them of your
6 availability after the season as well?

7 A. Yes.

8 Q. Okay.

9 A. Basically I had steady days off.
10 At this point, I believe, best of my
11 recollection, I worked Sunday night midnight
12 and Monday night midnight.

13 MR. NOVIKOFF: And let's mark
14 the following document as Carter-4.

15 (Internal correspondence dated
16 January 23, 2006 was marked as
17 Carter Exhibit-4 for identification;
18 9/16/08, E.L.)

19 Q. Do you recall -- well, Carter-4
20 for the record is a memo from you to
21 Sergeant Hesse with a CC to Chief Paridiso
22 dated January 23, 2006, do you see that?

23 A. Yes.

24 Q. And do you recall sending this
25 correspondence to Ocean Beach?

1 E. Carter

2 A. I actually left it on Sergeant
3 Hesse's desk.

4 Q. Okay. And you CC'd Mr. Paridiso
5 why?

6 A. Because he could still come back
7 as the chief. He wasn't out on full
8 workmen's comp yet.

9 Q. How do you know that?

10 A. Because I had seen it not too
11 long before that, and there was -- the talk
12 between George was he was still out on comp.

13 Q. The talk as between?

14 A. George said the chief was still
15 out on workmen's comp.

16 Q. Oh, so you had seen George, you
17 hadn't seen Mr. Paridiso?

18 A. I ran into Ed Paridiso at Costco,
19 yes.

20 Q. Between your December Carter-3
21 and your January Carter-4, you saw Ed
22 Paridiso?

23 A. To my best of my recollection,
24 yes.

25 Q. Did you ask him if he was

1 E. Carter

2 involved in the scheduling when you saw him?

3 A. No, I didn't.

4 Q. Did you -- did your knowledge of
5 whether or not Mr. Paridiso was involved in
6 the scheduling change between Carter-3 and
7 Carter-4?

8 A. No. I still put him in to CC
9 Chief Paridiso, so.

10 Q. Okay.

11 A. It was still my belief he was
12 still there.

13 Q. Okay. And according to Carter-4,
14 you're advising Ocean Beach that given the
15 birth of your twins, you wanted to be
16 removed from the duty roster between
17 February 12 and April 9, 2006, do you see
18 that?

19 A. Correct.

20 Q. Okay. Would it be fair to say
21 that between those dates, you did not work
22 for Ocean Beach?

23 A. I don't recall if I worked
24 February 14, one other day, because George
25 tried to talk me out of taking this family

1 E. Carter

2 leave. He said -- I explained to him that I
3 didn't want to get stuck at the beach
4 because the way the vehicles were breaking
5 down, that if my wife went into labor, I
6 didn't want to be stuck over here and being
7 the fact I had twins, I had my daughter who
8 was at that time three years old, and he
9 says, "Eddie," he goes, "Listen," he goes,
10 "I'll come over, pick you up and drive you."
11 So I don't recall if I worked -- my last day
12 of work was February 12 or February 14 of
13 2006. I don't recall.

14 Q. Did Mr. Hesse advise you as to
15 why he was going to go out of his way to
16 pick you up so that you could work during
17 that period of time?

18 A. So my wife -- if the truck broke
19 down, I didn't get stuck at the beach.

20 Q. Did you have a good relationship
21 with Mr. Hesse on or -- in or about January
22 23, 2006?

23 A. I had a fair relationship with
24 him, yes.

25 Q. Was he -- would you consider him

1 E. Carter

2 a friend?

3 A. I thought he was.

4 Q. Okay. Even though he told you to
5 shut up on occasion and disregarded your
6 complaints?

7 A. Yes.

8 Q. Okay. Did you ever socialize
9 with Mr. Hesse outside of -- well, did you
10 ever socialize with Mr. Hesse after your
11 work hours?

12 A. No.

13 Q. And did Mr. Hesse explain to you
14 why he tried to talk you out of taking this
15 family leave that you referred to?

16 A. He just -- no. He said, "Why
17 don't you keep working." You know,
18 "don't -- I need you to work, and keep
19 working."

20 Q. Okay. Let's go back to the
21 Notice of Claim. I believe that's
22 Exhibit-1. You write on page two, second
23 full sentence, "in further retaliation for
24 Claimant's opposition, both during
25 Claimant's employment and subsequent to the

1 E. Carter
2 unlawful termination of his employment,
3 defamatory statements have been made about
4 Claimant, both verbally and in writing on
5 the internet, in other media and to others."
6 Okay. Who, without telling me where or what
7 they said, who do you claim, in this
8 lawsuit, has made defamatory statements
9 about you?

10 A. George Hesse.

11 MR. GOODSTADT: Objection.

12 A. George Hesse.

13 Q. Anybody else that you claim to
14 have made a defamatory statement about you?

15 MR. GOODSTADT: Objection.

16 A. Tyree Bacon.

17 Q. Okay. Other than Tyree Bacon and
18 George Hesse, anybody else?

19 MR. GOODSTADT: Objection.

20 A. No.

21 Q. Okay. When did Tyree Bacon make
22 defamatory statements about you?

23 A. On the blog April 6.

24 Q. Okay. April 6 of 2006?

25 A. I believe it was April 6 of 2006,

1 E. Carter

2 yes.

3 Q. Was that the only occasion that
4 you can point to where Tyree Bacon has made
5 a defamatory statement about you that you're
6 aware of?

7 A. That -- with the posting of the
8 blog, if you were to look at it, it falls
9 down to specific -- a form basically of
10 writing and it follows it straight through.

11 Q. Well, my question to you, you've
12 identified, sir, April 6, 2006 as an
13 incident where Tyree Bacon defamed you?

14 A. Yes.

15 Q. On the blog?

16 A. Um-hum.

17 Q. How do you know on April 6, 2006
18 Tyree Bacon was the author of the alleged
19 defamatory statement that you've just
20 referenced?

21 A. I believe in the statement that
22 George Hesse told Tom Snyder, that Tom
23 Snyder told me.

24 Q. Okay. So your knowledge of
25 Mr. Bacon's defamatory statement on April 6

1 E. Carter

2 2006 is based on what Hesse told Snyder and
3 what Snyder told you?

4 A. Yes.

5 Q. Okay. So we now have the April
6 6, 2006 defamation. Actually, what was the
7 defamatory comment that you attribute to --
8 that you attribute to Mr. Bacon?

9 A. That I did official misconduct
10 and falsified paperwork in reference to a
11 Halloween incident.

12 Q. Okay. Now have you been fired
13 from any job as a result of Mr. Bacon's
14 alleged defamatory comment?

15 A. No.

16 Q. Has anyone advised you that you
17 did not get any employment as a result of
18 Mr. Bacon's alleged defamatory comment on
19 April 6, 2006?

20 A. The guys in my work in the locker
21 room said, in reference to the blog with my
22 promotion, which was offered to me
23 provisionally prior to me taking the test,
24 that I wasn't going to get it until that
25 whole thing with Ocean Beach was taken care

1 E. Carter

2 of.

3 MO MR. NOVIKOFF: Motion to
4 strike.

5 Q. Sir, my question's very specific.
6 Has anyone advised you that you did not get
7 a promotion or an employment opportunity
8 directly resulting from what you claim to be
9 Mr. Bacon's alleged defamatory statement on
10 April 6, 2006?

11 MR. GOODSTADT: Objection. He
12 just testified to it.

13 Q. Did anyone tell you specifically
14 that?

15 MR. GOODSTADT: Objection. He
16 just testified to it.

17 MR. NOVIKOFF: I understand.
18 You can answer.

19 A. No.

20 Q. Okay. Now let's put aside the
21 April 6, 2006 alleged defamation of
22 Mr. Bacon. Subsequent to that date, can you
23 point to another date on the blog in which
24 Tyree Bacon allegedly defamed you?

25 MR. GOODSTADT: Objection.

1 E. Carter

2 A. I can't be 100 percent sure it
3 was him or not.

4 Q. Why can't you be 100 percent sure
5 that it was him or not?

6 A. Because the blog is an anonymous
7 blog. Except for Tom Snyder is the only one
8 I can go right back to.

9 Q. Now let's talk about Mr. Hesse's
10 alleged defamatory statements. How many
11 defamatory statements do you attribute to
12 Mr. Hesse?

13 MR. GOODSTADT: Objection.

14 A. The firing of me would be one.
15 Why he told me at the meeting for
16 directives, failing to follow directives he
17 posted. Wearing a wire. Sleeping. So
18 three.

19 MR. NOVIKOFF: Okay. Let's
20 take a break. We have one minute left
21 on the tape. We'll come back and we'll
22 pick it up there.

23 THE VIDEOGRAPHER: This ends
24 tape number two. The time is 11:54
25 a.m. Going off the record.

1 E. Carter

2 (A break was taken.)

3 THE VIDEOGRAPHER: This begins
4 tape number three. The time is 12:09
5 p.m. Back on the record.

6 Q. Mr. Carter, you identified before
7 the ending of tape number two, three alleged
8 defamatory comments from Mr. Hesse
9 concerning you. One involved directives,
10 one involved wearing a wire, and one
11 involved you sleeping on duty, do you recall
12 that?

13 A. Yes.

14 MR. GOODSTADT: Objection.

15 Q. Have you had a chance -- is there
16 anything else that you can recall that
17 Mr. Hesse said that you believe was
18 defamatory, other than what you've just
19 identified?

20 MR. GOODSTADT: Objection.

21 A. Not that I recall at this time.

22 Q. Okay. Is there anything in your
23 possession, custody or control that would
24 refresh your recollection?

25 A. Not at this time.

1 E. Carter

2 Q. Okay. Let's talk about the
3 alleged defamatory statement concerning
4 directives. What specifically -- and don't
5 tell me to whom and don't tell me what or
6 where -- but just tell me what specifically
7 did Mr. Hesse say concerning directives that
8 you believe was defamatory?

9 MR. GOODSTADT: Objection.

10 A. He -- he wouldn't talk to me
11 about them when he fired me. I asked him.
12 I said, "What directives are you talking
13 about?" And he wouldn't give me an answer.

14 Q. Okay. I guess my question -- not
15 I guess -- my question is, what specifically
16 did Mr. Hesse say regarding directives that
17 you believe was defamatory?

18 MR. GOODSTADT: Objection.

19 A. He fired me for something I
20 didn't do. I followed those directives.

21 Q. Okay. So your belief is that
22 Mr. Hesse made a defamatory comment to you
23 when he fired you for directives?

24 MR. GOODSTADT: Objection.

25 A. Yes.

1 E. Carter

2 Q. Okay. Now where did Mr. Hesse
3 make this defamatory statement?

4 A. In the boathouse at Ocean Beach.

5 Q. When?

6 A. April 2, 2006.

7 Q. Was there anyone present when
8 Mr. Hesse made this defamatory statement
9 concerning directives?

10 A. To me, no.

11 Q. Okay. So just so I understand,
12 when you say that Mr. Hesse made a
13 defamatory comment regarding directives,
14 you're referring to a statement that
15 Mr. Hesse made to you in the boathouse on
16 April 2, 2006 without any other witnesses?

17 A. Yes.

18 Q. Okay. Let's talk about wearing a
19 wire. Again, not where, when or how, just
20 what specifically did Mr. Hesse say
21 concerning wearing a wire that you believe
22 was defamatory?

23 A. I wasn't going to wear a wire. I
24 knew nothing about a wire. I was never
25 approached. I was never asked.

1 E. Carter

2 MO MR. NOVIKOFF: I understand
3 that, and I'm going to move to strike.

4 Q. But what specifically -- well,
5 let me take a step back. You've alleged
6 that Mr. Hesse made a defamatory statement
7 concerning you involving wearing a wire?

8 A. Yes.

9 Q. What specifically did Mr. Hesse
10 say concerning wearing a wire that you
11 believe was defamatory?

12 MR. GOODSTADT: Objection.

13 A. The fact that if I was to wear a
14 wire, meant I was a rat, and I'm not.

15 Q. What, though, did Mr. Hesse say
16 to you when you referred to wearing a wire?

17 MR. GOODSTADT: Objection.

18 A. He didn't say it to me. He said
19 it to the other officers at the meeting.

20 Q. Okay then. Now what did he say
21 to the other officers at this meeting that
22 you've just referred to?

23 A. That -- it was the April 2
24 meeting of 2006. That Arnold Hardman's
25 attorney said that somebody was going to

1 E. Carter

2 wear a wire and it was going to be Ed and
3 Tom, and we were going to get the officers
4 to admit that they beat up the businessman,
5 Gilbert, for the District Attorney's office.

6 Q. Okay. So this meeting took place
7 where?

8 A. The boathouse.

9 Q. And you weren't present at this
10 meeting?

11 A. I was fired already. Terminated.
12 Left the Island.

13 Q. You had -- you had gone from the
14 Island by this time?

15 A. Yes.

16 Q. And according to somebody at that
17 meeting, Mr. Hesse said that Arnold
18 Hardman's attorney said that you were going
19 to wear a wire?

20 A. That somebody was going to wear a
21 wire, and George said it was me or Tom
22 Snyder.

23 Q. Okay. So I just want to
24 understand now what transpired. Mr. Hesse
25 said to someone at this meeting that Arnold

1 E. Carter

2 Hardman's attorney said that someone was
3 going to wear a wire, and then George added
4 that it was going to be you and Ed, is that
5 a fair characterization?

6 A. No.

7 Q. No.

8 A. Ed and Tom.

9 Q. Ed and Tom.

10 A. Ed and Tom were going to wear the
11 wire. And he said it to all the officers
12 that were present at the meeting, along with
13 the dispatchers and any dock masters that
14 were there.

15 Q. So to your knowledge, did
16 Mr. Hesse say that you had worn a wire or
17 did Mr. Hesse say that you were going to
18 wear a wire?

19 A. I was going to wear a wire.

20 Q. Okay. And who told you that
21 Mr. Hesse said this?

22 A. Originally, Kevin Lamm told me
23 that Chris Moran said it, and I heard Chris
24 Moran later in June of 2006 say it.

25 Q. Okay. So you learned of this

1 E. Carter

2 alleged defamation in one instance from
3 Mr. Lamm, who told you that Mr. Moran said
4 that George Hesse said this?

5 A. Yes.

6 Q. And on the other instance you
7 learned about this alleged defamatory
8 statement, you heard it directly from
9 Mr. Lamm?

10 A. Directly from Mr. Moran.

11 Q. From Mr. Moran.

12 A. Yes.

13 Q. Was that in a face-to-face
14 conversation?

15 A. No.

16 Q. Was it on a telephone call?

17 A. Kevin was on a telephone call.

18 Q. With whom?

19 A. On speaker with Chris Moran.

20 Q. And you were present?

21 A. Yes.

22 Q. Did Mr. Lamm tape this
23 conversation?

24 A. Yes.

25 Q. Were you aware that Mr. Lamm was

1 E. Carter

2 taping this conversation?

3 A. Yes.

4 Q. Where did you -- where did
5 Mr. Lamm -- where was the speaker phone
6 present?

7 A. It was a Nextel. One of those
8 Nextels.

9 Q. So you were right next to
10 Mr. Lamm when he was doing this?

11 A. Yes.

12 Q. And where were you and Mr. Lamm?

13 A. In Ronkonkoma.

14 Q. Where in Ronkonkoma?

15 A. By the airport.

16 Q. Why?

17 MR. GOODSTADT: Objection.

18 Q. Why were you with Mr. Lamm on
19 this occasion in June?

20 A. I stopped up at work. It's part
21 of my patrol, the airport, and I met up with
22 Kevin, and he said he was about to call
23 Chris.

24 Q. So you and Mr. Lamm were working
25 at that time?

1 E. Carter

2 A. I was, yes.

3 Q. Was Mr. Lamm working?

4 A. To the best of my knowledge, yes.

5 Q. So you both were working for the
6 Town of Islip, and Mr. Lamm advised you that
7 he was going to call Mr. Moran?

8 A. Yes.

9 Q. Did Mr. Lamm tell you why he was
10 going to call Mr. Moran?

11 A. That Chris had called him and he
12 was going to call him back, and he said, "Do
13 you want me to ask him why you were let go
14 again?" And I said, "Sure."

15 Q. And did Mr. Lamm tell you that he
16 was going to be recording Mr. Moran?

17 A. No.

18 Q. Did -- were you aware that
19 Mr. Lamm was recording Mr. Moran in his
20 conversation?

21 A. At that point, I saw a tape
22 recorder. I didn't know if it was on or
23 not.

24 Q. So Mr. Lamm had his Nextel phone
25 in one hand and a tape recorder in another?

1 E. Carter

2 A. No. The tape recorder was on a
3 center console of the vehicle.

4 Q. Oh, you were in a car?

5 A. Yes.

6 Q. What type of tape recorder was
7 it?

8 A. A thin one (indicating). Silver
9 in color.

10 Q. A little dictaphone?

11 A. If that's what they're called,
12 yes.

13 Q. And you saw it?

14 A. Yes.

15 Q. And you assumed that he was
16 taping it?

17 A. I found out later on he was
18 taping it, yes.

19 Q. Well, did you ask Mr. Lamm at
20 that time why there was a tape recorder on
21 the console?

22 A. No.

23 Q. Did you see that it was on or
24 not?

25 A. No.

1 E. Carter

2 Q. Did you see Mr. Lamm go to turn
3 it on?

4 A. No.

5 Q. Did Mr. Lamm tell Mr. Moran that
6 he was being taped?

7 A. No. Not that I recall.

8 Q. Was that the only occasion that
9 you're aware of that Mr. Lamm was taping
10 telephone conversations?

11 A. No.

12 Q. Was that the first time -- well,
13 let's -- before I go there, when did you
14 learn that Mr. Lamm had tape recorded that
15 conversation with Mr. Moran?

16 A. Afterwards. Shortly afterwards.
17 I don't recall exactly when.

18 Q. Seconds? Minutes? Weeks?
19 Months?

20 A. I don't recall at this time.

21 Q. How? How did you learn?

22 A. Because he had to get the
23 recording to a disc.

24 Q. Yeah, but how did you learn
25 Mr. Lamm had recorded that conversation?

1 E. Carter

2 A. He told me he did after. You
3 know, I don't know if it was exactly then or
4 if it was later on.

5 Q. And prior to that conversation
6 with Mr. Moran, were you aware that Mr. Lamm
7 was telephone -- was recording telephone
8 conversations with other individuals?

9 MR. GOODSTADT: Objection.

10 A. No.

11 Q. No?

12 A. No.

13 Q. When did you learn that Mr. Lamm
14 had tape recorded other conversations, other
15 than the one that you were involved in?

16 A. June of '06.

17 Q. What did Mr. Lamm say to you, if
18 anything?

19 A. He needed to have the tape
20 recordings put on a disc, and I didn't -- I
21 couldn't do it.

22 Q. Did Mr. Lamm tell you why he was
23 tape recording conversations?

24 A. For the defamation. We all felt
25 that defamation was the biggest thing was me

1 E. Carter

2 wearing a wire. That when a park ranger
3 three position did come up for me, I wanted
4 to know why I was let go, so I could tell my
5 boss the true reason, rather than what I had
6 to tell him a couple of days after, that I
7 was let go for directives that were hanging
8 on the board that I didn't know what I was
9 fired for.

10 Q. So you had asked Mr. Lamm to tape
11 record the conversations?

12 MR. GOODSTADT: Objection.

13 A. No.

14 Q. So let me understand this
15 correctly -- let me ask you this question,
16 did Mr. Lamm advise you as to why he was
17 tape recording conversations? Not why you
18 think it was being done. Did Mr. Lamm tell
19 you why he was tape recording conversations?

20 A. No.

21 Q. Did you ask Mr. Lamm to tape
22 record conversations?

23 A. No.

24 Q. So when you answered just before
25 about wanting to know why you were fired,

1 E. Carter

2 what did that have to do with why Mr. Lamm
3 was tape recording a conversation?

4 MR. GOODSTADT: Objection.

5 A. Later on, when we had talked --
6 again, I don't know if it was right then and
7 there or if I had to go -- he said, "See,
8 that's why you were let go, for wearing a
9 wire." And I said, "Unbelievable." I said,
10 you know, "reason number three now."

11 Q. Okay. So let me get this
12 straight. Based upon a tape recorded
13 conversation between Mr. Lamm and Mr. Moran,
14 wherein Mr. Moran said that George Hesse
15 back in April said something about you
16 wearing a wire, you concluded that that was
17 why you were fired?

18 MR. GOODSTADT: Objection.

19 A. I felt that was a big reason why
20 I was fired, because originally, I was
21 misID'd as being part -- as being on the
22 night of the Gilbert incident and that
23 caused a lot of problems.

24 Q. When were you misID'd as being
25 part of the Gilbert incident?

1 E. Carter

2 A. Back sometime 2005.

3 Q. Where were you misID'd?

4 A. Someone told the District
5 Attorney's office I was working that night.

6 Q. Who told the District Attorney's
7 office?

8 A. George Hesse told me it was Dave
9 Gerden.

10 Q. So George Hesse told you that
11 this guy Dave told the District Attorney's
12 office that you were mis -- that you were
13 part of the Gilbert incident?

14 MR. GOODSTADT: Objection.

15 Q. Is that your testimony?

16 A. That he gave a statement, yes, or
17 a verbal that I was -- yeah, I was there
18 that night.

19 Q. And you believe that that
20 misidentification contributed to you being
21 fired, you not being rehired?

22 MR. GOODSTADT: Objection.

23 A. That caused -- yes. Absolutely.

24 Q. What -- what connection do you
25 see between the two?

1 E. Carter

2 A. It started in the fall of 2006,
3 District Attorney's office started
4 interviewing people with reference to the
5 Gilbert incident. They came to me twice and
6 I had Gray -- the attorney for the beach,
7 Gray come to my house. They called me at
8 my -- they came the first time. Asked me a
9 bunch of questions, which I didn't
10 understand what they were asking me, and
11 they said they had information that I was
12 working that night. I said I wasn't. It
13 was my daughter's birthday. I had a party
14 in the yard and I don't work Saturday
15 nights.

16 Little time later, short time
17 later, I don't recall if it was a couple
18 days, a week, they said they were going to
19 interview other people. They -- the
20 investigator, Tom Iacopelli, called me at my
21 town job. You got the secretary. The boss
22 is there. She looks at me, she goes,
23 "District Attorney's office is on the phone
24 for you." I picked the phone up. He says,
25 "Carter, I need to speak to you. We're

1 E. Carter
2 coming to your house tomorrow." I said,
3 "No, you're not." He said, "What do you
4 mean?" I said, "There was a 2042, an
5 internal correspondence put out that the
6 village attorney has to be present for any
7 conversations with you. And I don't want to
8 be fired. I need the job. I need the
9 money."

10 So he says, "Well, you spoke to
11 us in the past. Why don't you speak to us
12 now." I said, "You spoke to us first." I
13 said, "Listen, I don't need to lose my job."
14 I said, "I'm going to call." So I
15 immediately called George Hesse, who set an
16 appointment up with the attorney for the
17 beach at the time. I believe he was called
18 "Gray." He showed up at my house the next
19 day.

20 And that's when guys started
21 looking at me funny like I was talking to
22 the District Attorney's office. I was rat.
23 Again, I'm labeled as a rat. And I told
24 George, I said, "I had nothing -- you, know,
25 I wasn't there." He said, "I know you

1 E. Carter

2 weren't there, but what are you going to
3 do."

4 So the range comes around
5 November of 2005. We meet at Stop & Shop in
6 East Islip. There's approximately 10 guys.
7 We're all going out to the range together.
8 10 -- maybe it was even more, 15 of us. I
9 walk up and the guy Dave says to me, "Oh,
10 the District Attorney's office talk to ya?"
11 And I looked and I said, "Dave, I wasn't
12 working that day." And at that time, the
13 other guys said, "Dave, he wasn't working
14 that day." It was the first time that it
15 came out three months later, two months
16 later that I wasn't working that day.

17 And subsequently, the District
18 Attorney's office never spoke to me again,
19 but George Hesse, in between that time, said
20 to me, "I don't understand why they keep
21 talking to you. I don't know why." And the
22 guys started looking at me funny.

23 Q. Well, no, you testified that the
24 guys were looking at you funny before
25 Mr. Hesse said that to you about why are you

1 E. Carter

2 working, correct?

3 A. That was between September --
4 between the Gilbert thing and then with the
5 District Attorney's office first came over.

6 Q. Mr. Hesse didn't misidentify you,
7 did he?

8 A. Him, no.

9 Q. Right. Mr. Hesse didn't advise
10 anyone prior to April 2, 2006 that you were
11 wearing a wire, did he?

12 MR. GOODSTADT: Objection.

13 Q. To your knowledge?

14 A. To my knowledge, no. Not that I
15 know of.

16 Q. Mr. Hesse, prior to April 2,
17 2006, didn't tell anyone, to your knowledge,
18 that you were cooperating with the DA,
19 correct?

20 A. To my knowledge, no.

21 Q. In fact, to your knowledge --
22 withdrawn. So what -- explain to me how you
23 attribute your termination -- I'm sorry,
24 withdrawn. How do you attribute you not
25 being rehired on April 2, 2006 to this

1 E. Carter

2 misidentification of you that Mr. Hesse had
3 nothing to do with?

4 MR. GOODSTADT: Objection.

5 A. Mr. Hesse being the senior
6 officer at that scene that night, could have
7 very easily taken care of it and explained.
8 Showed the blotter, the records that I
9 wasn't there.

10 Q. How do you know he didn't?

11 A. He never said he did.

12 Q. Did you ask him?

13 A. I said to him, I said "George" --
14 my exact words to him was, "This is pretty
15 sad. I can't prove that I wasn't working
16 that night."

17 Q. What do you mean you can't prove?
18 Didn't the records show you weren't working
19 that night?

20 A. The District Attorney's office
21 originally said, in my house, with Gray
22 sitting there, that I could falsify the
23 blotter or my time sheets.

24 Q. Oh, so it was the DA that didn't
25 necessarily believe, in your opinion, what

1 E. Carter

2 was put on the time sheets, correct?

3 A. I'm not -- yes.

4 Q. Right. My question to you is,
5 what makes you think that George Hesse
6 didn't tell the DA that you didn't work that
7 night?

8 A. He never said he did.

9 Q. But did you ask him?

10 A. No.

11 Q. What makes you think that the DA
12 didn't believe that in fact you didn't work
13 that night?

14 A. What makes me believe -- I'm
15 sorry, repeat the question.

16 Q. What makes you believe -- I'll
17 withdraw the question. I'm just trying to
18 figure out what did Mr. Hesse say concerning
19 this misidentification prior to April 2,
20 2006 that you believe resulted, in part, in
21 you not being rehired by Ocean Beach?

22 A. I'm sorry, we're talking about
23 the wire, is what we were talking about.

24 Q. No. We were talking about -- you
25 said this misidentification of you being

1 E. Carter
2 involved in the Gilbert incident was a
3 reason, in your opinion, why you weren't
4 rehired. So my question to you is, what did
5 Mr. Hesse do with regard to this
6 misidentification that you believe resulted
7 in a decision concerning you not being
8 rehired on April 2, 2006?

9 MR. GOODSTADT: Objection.

10 Q. You can answer.

11 A. The wire's what started this, and
12 then I went to explain how it came about,
13 the wearing of the wire. That somebody was
14 going to wear the wire. I was supposedly
15 cooperating with the District Attorney's
16 office because he came to my house twice.
17 No one else apparently at that point was
18 seen twice.

19 Q. So the misidentification had
20 nothing to do with you being terminated, is
21 that your testimony?

22 MR. GOODSTADT: Objection.

23 Q. Let me ask you straight out then,
24 sir. You say that you were misidentified by
25 somebody, not George Hesse, concerning the

1 E. Carter

2 Gilbert incident, correct?

3 MR. GOODSTADT: Objection.

4 A. Yes.

5 Q. At some point in time prior to
6 April 2, 2006, you believe that the DA
7 thought that you were part of the Gilbert
8 incident, correct?

9 A. Yes.

10 Q. What did -- do you believe that
11 this misidentification by someone other than
12 George Hesse, was a reason for you not to be
13 rehired on April 2, 2006?

14 MR. GOODSTADT: Objection.

15 A. The Gilbert incident --

16 Q. Yes or no?

17 A. Part of it, yes.

18 Q. Okay. What part of your
19 misidentification do you believe resulted in
20 you not being rehired on April 2, 2006?

21 MR. GOODSTADT: Objection. He
22 just testified for five minutes about
23 it.

24 A. The Gilbert incident as a whole
25 was part of me being misidentified. Then

1 E. Carter

2 coming out about me wearing a wire for the
3 District Attorney's office to have these
4 guys admit that they beat up Gilbert during
5 an incident that happened in August of 2005.

6 Q. Who is "they" that you're talking
7 about, they say you were wearing a wire?

8 MR. GOODSTADT: Objection. He
9 already testified who said it.

10 Q. Who's "they"?

11 A. George Hesse. Arnold Hardman's
12 attorney and George Hesse.

13 Q. But that was April 2, 2006,
14 correct?

15 A. Yes.

16 Q. What did Mr. Hesse say about you
17 wearing a wire, if anything, prior to April
18 2, 2006?

19 A. To myself, nothing.

20 Q. To anybody that you're aware of,
21 prior to April 2, 2006?

22 A. Apparently he spoke to Arnie
23 Hardman about it, because it was said at the
24 meeting.

25 Q. Not apparently.

1 E. Carter

2 MR. CONNOLLY: Objection.

3 Q. What information can you point to
4 from any source that indicates that George
5 Hesse said anything to anyone, prior to
6 April 2, 2006, about you wearing a wire?

7 A. Nothing.

8 MR. NOVIKOFF: Let's end it
9 now. It's 12:30. We'll pick it up at
10 1:15.

11 THE VIDEOGRAPHER: The time is
12 12:29 p.m. We're going off the record.
13 (A break was taken.)

14 THE VIDEOGRAPHER: The time is
15 1:24 p.m. Back on the record.

16 Q. Mr. Carter, stay on the wire
17 issue. You testified that you were told
18 that Mr. Hesse made a comment concerning you
19 wearing a wire on April 2, 2006. Has anyone
20 told you that Mr. Hesse made a comment about
21 you wearing a wire at any time subsequent to
22 April 2, 2006?

23 A. No.

24 Q. The third alleged defamatory
25 statement that you claim or you testified

1 E. Carter

2 that Mr. Hesse made concerning you was that
3 you were sleeping on the job; is that
4 correct?

5 A. That I was sleeping, yes.

6 Q. Sleeping where?

7 A. He told me I was -- he told
8 another boss in the Town of Islip that I was
9 cutting myself thin and sleeping while
10 coming to work.

11 Q. Okay. Did Mr. Hesse ever
12 communicate directly to you any defamatory
13 statement concerning you sleeping while
14 working at Ocean Beach?

15 MR. GOODSTADT: Objection.

16 MR. NOVIKOFF: Withdrawn.

17 Q. Did Mr. Hesse ever advise you
18 that he believed that you -- withdrawn.
19 While you were working at Ocean Beach, did
20 Mr. Hesse ever advise you that he thought
21 you were sleeping while on the job?

22 A. No.

23 Q. On April 2, 2006, did Mr. Hesse
24 ever advise you that he believed that you
25 were sleeping while on the job at Ocean

1 E. Carter

2 Beach?

3 A. No.

4 Q. Prior to April 2, 2006, did
5 anyone tell you that Mr. Hesse said that you
6 were sleeping on the job?

7 A. No.

8 Q. Did -- has anyone told you that
9 Mr. Hesse, on April 2, 2006, said that you
10 were sleeping on the job?

11 A. No.

12 Q. Now after April 2, 2006, other
13 than what you say Mr. Hesse said to one of
14 your supervisors, did -- has anyone told
15 you that Mr. Hesse said that you were
16 sleeping on the job?

17 A. George Hesse himself, both
18 verbally and through an email.

19 Q. What did George Hesse say to you
20 verbally about you sleeping on the job?

21 A. He said that I had called -- he
22 said that I spoke to Greg DeCanio, who was
23 looking into my promotion, and I had to ask
24 him for a letter. He said, "I didn't know
25 what letter you needed. What you want in

1 E. Carter

2 the letter exactly. And I told Greg you
3 were cutting yourself thin. You just had
4 twin boys. You were coming to his job,
5 going upstairs and basically sleeping the
6 night away."

7 Q. Okay. And he told you this when?

8 A. May 15.

9 Q. Okay. And did he tell you this
10 face to face?

11 A. On the phone. No. On the phone
12 and in an email.

13 Q. Okay. Let's talk about on the
14 phone. Who called who?

15 A. I called -- George had originally
16 called me. Left a message. I called him
17 back when I got done with the training
18 class, and he said -- I said -- he said,
19 "Eddie, did you get my email?" I said, "No,
20 George. Truthfully, I didn't get on the
21 computer." And he said, "Oh, I sent you an
22 email explaining everything," and then he
23 explained it to me that he told Greg DeCanio
24 that I was cutting myself thin, I just had
25 the twin boys, and that I was sleeping while